

FILED
SEP 24 2020
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

CLOSED,INTERPRETER

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:20-mj-01748-1
Internal Use Only**

Case title: USA v. Velcu

Date Filed: 09/18/2020

Other court case number: 5:20cr340 Northern District of
California – San Francisco

Date Terminated: 09/18/2020

Assigned to: Magistrate Judge
Peter Bray

Defendant (1)

Ion Velcu

TERMINATED: 09/18/2020

represented by **Federal Public Defender – Houston**

440 Louisiana

Ste 310

Houston, TX 77002

713-718-4600

Fax: 713-718-4610

Email: [hou_ecf@fd.org](mailto:houston_ecf@fd.org)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

*Designation: Public Defender or Community
Defender Appointment*

Houston Interpreter

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

18:1344 Bank Fraud

Ordered committed to the California Northern
District Court San Francisco**Plaintiff**

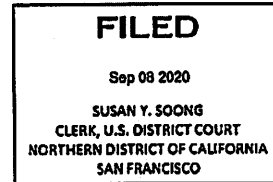
USA

| Date Filed | # | Page | Docket Text |
|------------|----------|------|---|
| 09/18/2020 | | | Magistrate Judge Peter Bray added. (kmurphy, 4) (Entered: 09/18/2020) |
| 09/18/2020 | <u>1</u> | 3 | Copy of Northern District of California San Francisco 5:20cr340 Documents as to Ion Velcu, filed.(kmurphy, 4) (Entered: 09/18/2020) |
| 09/18/2020 | | | Arrest (Rule 40) of Ion Velcu(kmurphy, 4) (Entered: 09/18/2020) |
| 09/18/2020 | | | ***Set Hearing as to Ion Velcu: Initial Appearance – Rule 40 set for 9/18/2020 at 02:00 PM by video – courthouse – before Magistrate Judge Peter Bray (kmurphy, 4) (Entered: 09/18/2020) |
| 09/18/2020 | <u>2</u> | 22 | Copy of Order Unsealing documents from Northern District of California as to Ion Velcu, filed.(kmurphy, 4) (Entered: 09/18/2020) |
| 09/18/2020 | | | INITIAL APPEARANCE IN RULE 5(c)(3) Minute Entry for proceedings held on 9/18/2020 before Magistrate Judge Peter Bray as to Ion Velcu. Defendant first appearance on Indictment from the California Northern District Court 5:20CR340 and advised of rights/charges. Defendant requests appointed counsel, Financial Affidavit executed on the record, Defendant appeared with counsel. Order appointing FPD to be entered, Defendant waives Identity, Detention Hearing in this district and Waiver of Rule 5 & 5.1 Hearings executed, Waiver of Identity, Detention Hearing in this district executed on the record, Deft ordered removed to originating district,. Hearing conducte by video with oral consent of defendnat. Appearances: AUSA Heather Winter f/USA; AFD Philip Gallagher f/Deft.(Court Reporter: K. Metzger) (Interpreter: Yes) (Pretrial Officer: Yes) Defendant remanded to custody, filed.(JasonMarchandadi, 4) (Entered: 09/18/2020) |
| 09/18/2020 | <u>3</u> | 24 | ORDER APPOINTING FEDERAL PUBLIC DEFENDER. (Signed by Magistrate Judge Peter Bray) Parties notified. (JasonMarchandadi, 4) (Entered: 09/18/2020) |
| 09/18/2020 | | | Interpreter needed as to Ion Velcu. Language: ROMANIAN. Houston Interpreter for Ion Velcu added. (JasonMarchandadi, 4) (Entered: 09/18/2020) |
| 09/18/2020 | <u>4</u> | 25 | COMMITMENT TO ANOTHER DISTRICT as to Ion Velcu. Defendant committed to the California Northern District Court. (Signed by Magistrate Judge Peter Bray) Parties notified. (JasonMarchandadi, 4) (Entered: 09/18/2020) |
| 09/18/2020 | | | RULE 5 Papers sent via email to California Northern District Court San Francisco Division as to Ion Velcu, filed.(JasonMarchandadi, 4) (Entered: 09/18/2020) |
| 09/21/2020 | <u>5</u> | 26 | Pretrial Services Report (Sealed) as to Ion Velcu, filed. (BethMurphy, 4) (Entered: 09/21/2020) |

~~SEALED BY ORDER~~

~~United States District Court~~
FOR THE
NORTHERN DISTRICT OF CALIFORNIA
VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,
V.



ION VELCU,

CR 20-0340 EJD (SVK)

DEFENDANT(S).

4:20mj1748

INDICTMENT

United States Courts
Southern District of Texas
FILED

September 18, 2020

David J. Bradley, Clerk of Court

COUNTS ONE THROUGH FIVE: 18 U.S.C. § 1344(1) – Bank Fraud

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 8th day of

September 2020

Clerk

Bail, \$ No Process

Hon. Joseph C. Spero

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

FILED

Sep 08 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ION VELCU,

15 Defendant.

CASE NO. CR 20-0340 EJD (SVK)

VIOLATIONS:

18 U.S.C. § 1344(1) – Bank Fraud;

18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –
Forfeiture Allegation

SAN JOSE VENUE

16
17
18 INDICTMENT

19
20 The Grand Jury charges:

21 Introductory Allegations

22 At all times relevant to this Indictment:

- 23 1. ION VELCU (“VELCU”) was an individual residing in the Northern California.
24 2. VELCU maintained bank accounts ending in -8177 and -7080 at Wells Fargo Bank.
25 3. VELCU maintained a bank account ending in -4457 at Bank of America.
26 4. Individual 1 maintained a bank account ending in -9675 at Bank of America.
27 5. Individual 2 maintained a bank account ending in -1874 at Wells Fargo Bank.
28 6. Wells Fargo Bank was a financial institution, as that term is defined in Title 18, United States

INDICTMENT

1 Code, Section 20, the deposits of which were insured by the Federal Deposit Insurance Corporation
2 ("FDIC").

3 7. Bank of America was a financial institution, as that term is defined in Title 18, United States
4 Code, Section 20, the deposits of which were insured by the Federal Deposit Insurance Corporation
5 ("FDIC").

6 The Scheme to Defraud

7 8. Beginning on a date unknown, but not later than in or about November 2016, and continuing to a
8 date unknown, but through at least in or about January 2017, VELCU knowingly devised and executed,
9 and attempted to execute, a material scheme and artifice to defraud financial institutions, as described
10 below.

11 9. As part of the scheme and artifice to defraud, VELCU obtained checks issued by individuals and
12 entities (the "Victims") and payable from the Victims' checking accounts, without the Victims'
13 knowledge, consent, or authorization. Many of the checks were donations made payable to religious
14 organizations located in the Northern District of California.

15 10. It was further part of the scheme that VELCU deposited the Victims' checks into his own Bank
16 of America and Wells Fargo Bank accounts, and Bank of America and Wells Fargo Bank accounts
17 belonging to Individuals 1 and 2, which VELCU presented to Bank of America and Wells Fargo Bank
18 under the false pretense and misrepresentation that the Victims knew, consented, and authorized
19 VELCU to present their checks for deposit into VELCU's own Bank of America and Wells Fargo Bank
20 accounts, and Bank of America and Wells Fargo Bank accounts belonging to Individuals 1 and 2.

21 11. Through this scheme, VELCU fraudulently deposited 66 checks totaling \$18,209.33 into bank
22 accounts belonging to himself and Individuals 1 and 2.

23 COUNTS ONE THROUGH FIVE: (18 U.S.C. § 1344(1) – Bank Fraud)

24 12. Paragraphs 1 through 11 are re-alleged and incorporated by reference as though fully set forth
25 herein.

26 13. Beginning on a date unknown, but not later than in or about November 2016, and continuing to a
27 date unknown, but through at least in or about January 2017, within the Northern District of California
28 and elsewhere, the defendant,

ION VELCU,

did knowingly and with the intent to defraud devise and execute, and attempt to execute, a material scheme and artifice to defraud financial institutions, to wit, VELCU obtained checks in the Victims' names, payable from the Victims' checking accounts at the Victims' banks, without the Victims' knowledge or authorization; falsely represented to Wells Fargo Bank that he was lawfully entitled to the payments authorized by the checks; and caused the checks to be deposited into bank accounts controlled by himself and Individuals 1 and 2.

14. On or about the dates set forth in the separate counts below, in the Northern District of California, for the purpose of executing the scheme and artifice referenced above, and attempting to do so, the defendant, ION VELCU, conducted and caused to be conducted the following financial transactions, among others:

| Count | Date | Financial Transaction |
|-------|------------|---|
| 1 | 1/9/2017 | Deposit of check number 101047 issued by Victim bearing the initials C.C.C.O.F. for \$300.00 into Individual 2's Wells Fargo Bank account ending in 1874. |
| 2 | 1/2/2017 | Deposit of check number 1013 issued by Victim bearing the initials B.G. for \$350.00 into Individual 2's Wells Fargo Bank account ending in 1874. |
| 3 | 11/30/2016 | Deposit of check number 101855 issued by Victim bearing the initials A.L.F.C. for \$585.00 into VELCU's Bank of America account ending in 4457. |
| 4 | 11/13/2016 | Deposit of check number 49610059 issued by Victim bearing the initials J.P. for \$132.00 into VELCU's Bank of America account ending in 4457. |
| 5 | 12/19/2016 | Deposit of check number 995251 issued by Victim bearing the initials T.G. for \$400.00 into VELCU's Wells Fargo Bank account ending in 7080. |

Each in violation of Title 18, United States Code, Section 1344(1).

FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

15. The allegations contained in this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

INDICTMENT

1 16. Upon conviction for any of the offenses set forth in this Indictment, the defendant,
2 ION VELCU,
3 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and
4 Title 28, United States Code, Section 2461(c), all property, real or personal, constituting, or derived
5 from proceeds traceable to those violations, including but not limited to a forfeiture money judgment in
6 an amount equal to the proceeds obtained as a result of the offenses.

7 If any of the property described above, as a result of any act or omission of the defendant:

- 8 a. cannot be located upon exercise of due diligence;
9 b. has been transferred or sold to, or deposited with, a third party;
10 c. has been placed beyond the jurisdiction of the court;
11 d. has been substantially diminished in value; or
12 e. has been commingled with other property which cannot be divided without
13 difficulty,

14 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
15 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

16 All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code,
17 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

18
19 DATED: September 8, 2020

A TRUE BILL.

20
21 /s/
22 FOREPERSON

23 DAVID L. ANDERSON
24 United States Attorney

25
26 /s/ Maia Perez
27 MAIA PEREZ
28 Assistant United States Attorney

INDICTMENT

AO 257 (Rev. 6/78)

SEALED BY ORDER
OF COURT

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

OFFENSE CHARGED

Counts 1-5: 18 U.S.C. § 1344(1) - Bank Fraud

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: MAXIMUM PENALTIES:
Imprisonment: 30 Years; Fine: \$1,000,000
Supervised Release: 5 Years; Special Assessment: \$100
Potential Immigration Consequences; Forfeiture

U.S. District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT - U.S.

ION VELCU

DISTRICT COURT NUMBER

CR 20-0340 EJD (SVK)

FILED

Sep 08 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

USPIS Inspector Thang Bul

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE
CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

20-MJ-71100 -MAG

Name and Office of Person
Furnishing Information on this form DAVID L. ANDERSON

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned) MAIA PEREZ

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.
1) ☒ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction } ☐ Federal ☐ State

6) ☐ Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

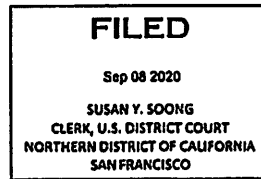
Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

**SEALED BY ORDER
OF COURT**
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CASE NAME:

USA v. ION VELCU

CASE NUMBER:

CR 20-0340 EJD (SVK)

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 ☒ 2-7 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF OAK SJ ☒

Is this a potential high-cost case?

Yes No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA
(Lead Attorney): MAIA PEREZ

Date Submitted: 9/8/20

Comments:

FILED

August 7, 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America)

v.)

ION VELCU)

Case No. CR 20-71100-MAG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 13, 2016 in the county of Monterey in the
Northern District of California, the defendant(s) violated:

Code Section

18 U.S.C. § 1344(1)

Offense Description

Bank Fraud

MAXIMUM PENALTIES:

Imprisonment: 30 Years

Fine: \$1,000,000

Supervised Release: 5 Years

Special Assessment: \$100, Potential Immigration Consequences

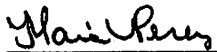
This criminal complaint is based on these facts:

See attached affidavit of U.S. Postal Inspector Thang Bui.

☐ Continued on the attached sheet.

/s/ SvK

Approved as to form



Assistant U.S. Attorney

Complainant's signature

Thang Bui, U.S. Postal Inspector

Printed name and title

Sworn to before me via telephone pursuant to Fed. R. Crim. P. 4.1 and 4(d).

Date: August 7, 2020*Judge's signature*City and state: San Jose, CA

Hon. Susan van Keulen

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Thang Q. Bui, a US Postal Inspector with the US Postal Inspection Service, being duly sworn, hereby depose and state the following:

INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a request for the issuance of a criminal complaint charging Ion Velcu with Bank Fraud, in violation of 18 U.S.C. § 1344(1). Because this affidavit is submitted for the purpose of obtaining an arrest warrant, I have not included each and every fact known to me in this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause for the issuance of an arrest warrant for Ion Velcu. For the reasons set forth below, I believe there is probable cause that Ion Velcu committed the foregoing violation of federal law.

AFFIANT'S BACKGROUND

2. I have been employed as a United States Postal Inspector with the United States Postal Inspection Service since August 2006, and am assigned to the San Francisco Division. My current assignment is on the External Crimes – Mail Theft and Violent Crimes team in San Jose, CA. During my 12 weeks of basic training in Potomac, MD, I received training in the investigation of various postal-related crimes, including mail theft, identity theft, postal burglaries and robberies, assaults, threats, the shipment of narcotics, and consumer fraud schemes. As part of my duties as a Postal Inspector, I have functioned as the case agent in over 130 investigations involving identity theft, theft of U.S. Mail, financial investigations, post office burglaries and robberies, assaults and threats, and counterfeit postal money orders, resulting in arrests of one or more persons for each of these cases.

3. As a federal law enforcement officer, I am authorized to investigate violations of federal law. I am familiar with the facts as set forth herein from my personal observations, interviews with victims, observations by other investigators and law enforcement officers as related to me in conversation and in written reports, and from documents and other evidence obtained as a result of this investigation.

RELEVANT STATUTE

4. Title 18 U.S.C. § 1344(1) states, in relevant part, whoever knowingly executes, or attempts to execute, a scheme or artifice to defraud a financial institution shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

STATEMENT OF PROBABLE CAUSE

Synopsis of Investigation

5. Beginning on a date unknown, but at least by November 2016, and continuing through January 2017, a group of individuals fraudulently negotiated stolen checks – mostly donation checks intended for churches – in the Northern District of California and elsewhere. During the investigation, I identified 341 stolen checks totaling \$211,618.33 that were connected to this scheme. The perpetrators deposited these checks into bank accounts held in their own names, in each other's names, or in the names of suspected family members and associates.

6. Bank surveillance images show that Ion Velcu was one of the individuals involved in this scheme. According to surveillance records, he fraudulently negotiated 66 checks worth a total of \$18,209.33 during this period.

7. A majority of the checks negotiated by Velcu were deposited into Bank of America and Wells Fargo bank accounts held in the name of Ion Velcu or Individual 1. The majority of checks were not altered prior to deposit, so that they reflected the original intended payee at the time they were fraudulently negotiated.

8. This affidavit details one of the checks fraudulently negotiated by Velcu.

November 13, 2016 Bank Fraud by Ion Velcu

9. On November 13, 2016, check number 49610059 issued by an individual bearing the initials J.P. and made payable to an entity bearing the initials E.F.C. for \$132.00 was deposited at a Bank of America ATM located at 800 Northridge Shopping Center in Salinas, California, in the Northern District of California. The check was deposited into Ion Velcu's Bank of America account ending in -4457.

10. Wells Fargo surveillance photos show that the individual who deposited the check matches Ion Velcu's California driver's license photograph. A surveillance image showing Velcu depositing the check is below.



11/13/2016 15:35:03.76
WU ATM ICAN4458
Surveillance
North-Salinas-125485

The images contained in this transmission were generated for the internal use of Bank of America and are being shared with law enforcement solely for use by law enforcement. Written consent must be obtained from Bank of America prior to sharing an image with a third party. Bank of America makes no representation or warranty of any kind with respect to any photograph, film, videotape or digital image and specifically disclaims liability to any person or entity for all damages, losses, claims, or expenses (including attorney's fees) arising from the furnishing or subsequent use, distribution or publication of any photograph, film, videotape or digital image provided to law enforcement by Bank of America. Any use or further distribution of this photograph, film, videotape or digital image by any party not employed directly by Bank of America is the sole responsibility of the user/distributor. Bank of America will only certify or attest to records or images provided under valid legal process.

11. On August 6, 2019, I spoke to J.P. on the telephone, regarding her check. J.P. stated that she made a one-time donation to E.F.C. during this time period, and she made an online request

with Wells Fargo to mail the check to the church on her behalf. J.P. said she does not know Ion Velcu, and she did not give Velcu permission to possess or negotiate her check.

12. On August 6, 2019, I visited E.F.C. in Salinas, California. I spoke to an individual bearing the initials K.D. who is a secretary with the church. I showed K.D. the check from J.P. and she recognized it because she remembered receiving a call from the bank about it. K.D. recalled that there was a mail theft problem at the church starting in 2016, when the church had an unlocked mailbox. A locking mailbox was installed, and then someone broke into that box to steal mail. The church obtained a P.O. Box after many church members reported that their mailed checks had been stolen. As a representative of the church, K.D. stated that she did not know Ion Velcu and she did not give him permission to possess or negotiate the check.

FDIC Insurance

13. Wells Fargo is insured by the Federal Deposit Insurance Corporation and was so insured at the time of the instant offense.

14. Bank of America is insured by the Federal Deposit Insurance Corporation and was so insured at the time of the instant offense.

CONCLUSION

15. Based on the foregoing facts, there is probable cause to believe that Ion Velcu knowingly committed Bank Fraud in violation of 18 U.S.C. § 1344(1). Accordingly, I respectfully request that the warrant for the arrest of Ion Velcu be issued.

REQUEST FOR SEALING

16. I respectfully request that the Court issue an order sealing the Warrant, the Complaint, and all papers submitted in support of the Complaint, including this affidavit, until further order of the Court. These documents concern an investigation that is not presently known to the target or to the public generally. I believe that sealing is necessary in order to effectuate the orderly arrest of Ion Velcu, and in order to guard against flight and destruction of evidence.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

/s/ SvK

Thang Q. Bui
U.S. Postal Inspector
U.S. Postal Inspection Service

Sworn and subscribed to before me over the telephone pursuant to Fed. R. Crim. P. 4.1 and 4(d) and signed by me on this 7th day of August 2020.



Honorable Susan van Keulen
United States Magistrate Judge

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

COUNT ONE: (18 U.S.C. § 1344(1)) - Bank Fraud

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: MAXIMUM PENALTIES

Imprisonment: 30 Years; Fine: \$1,000,000; Supervised Release: 5 years; Special Assessment: \$100; Potential Immigration Consequences

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

ION VELCU

DISTRICT COURT NUMBER

CR 20-71100-MAG

FILED

August 07, 2020

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

U.S. Postal Inspector Thang Bui

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form David L. Anderson

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

AUSA Maia Perez

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 MAIA T. PEREZ (MABN 672328)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
7 Telephone: (408) 535-5061
8 FAX: (408) 535-5066
maia.perez@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ION VELCU,

17 Defendant.

NO.: CR 20-0340 EJD

MOTION FOR SEALING ORDER

UNDER SEAL

19 The United States, by and through its counsel, Assistant United States Attorney Maia Perez,
20 moves this Court for an order sealing the government's application for a sealing order, the sealing order,
21 the Indictment, cover page, penalty sheet, and all attachments in the above-referenced investigation.
22 Disclosure of the specified documents might jeopardize the defendant's arrest.

23 Accordingly, the United States requests that the Court seal these documents, except that the
24 Clerk of Court shall provide copies of the sealed documents to employees of the United States
25 Attorney's Office. The United States further requests that the United States Attorney's Office be
26 permitted to share these documents as necessary to comply with its discovery obligations, and with the
27 U.S. Postal Inspection Service, which should be allowed to share the documents with other law
28

1 enforcement and intelligence agencies, including foreign law enforcement and intelligence agencies, for
2 use in investigation and prosecution.

3 DATED: September 8, 2020

Respectfully submitted,

4 DAVID L. ANDERSON
5 United States Attorney

6 /s/
7 Maia Perez
8 Assistant United States Attorney
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 MAIA T. PEREZ (MABN 672328)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
7 Telephone: (408) 535-5061
8 FAX: (408) 535-5066
maia.perez@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ION VELCU,

17 Defendant.

NO.: CR 20-0340 EJD

~~PROPOSED~~ SEALING ORDER

UNDER SEAL

19 Upon motion of the United States and good cause having been shown, IT IS HEREBY
20 ORDERED that the government's application for a sealing order, the sealing order, the Indictment,
21 cover page, penalty sheet, and all attachments in the above-referenced investigation, shall be filed under
22 seal until further order of the Court, except that the Clerk of Court shall provide copies of the sealed
23 documents to employees of the United States Attorney's Office.

24 IT IS FURTHER ORDERED that the United States Attorney's Office is permitted to share these
25 documents as necessary to comply with its discovery obligations, and with the U.S. Postal Inspection
26 Service, which should be allowed to share the documents with other law enforcement and intelligence
27 agencies, including foreign law enforcement and intelligence agencies, for use in investigation and
28

FILED

Sep 08 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

1 prosecution.

2 IT IS SO ORDERED.

3 DATED: September 8, 2020



HON. JOSEPH C. SPERO
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

ION VELCU

Case No. CR 20-71100-MAG

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer


YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Ion Velcu,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1344(1) - Bank Fraud

Date: August 7, 2020City and state: San Jose, CA

 Issuing officer's signature

 Hon. Susan van Keulen
 Printed name and title

Return

 This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

 Arresting officer's signature

 Printed name and title

FILED

Sep 17 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 DAVID L. ANDERSON (CABN 149604)
 United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
 3 Chief, Criminal Division

4 MAIA T. PEREZ (MABN 672328)
 Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
 6 San Jose, California 95113
 Telephone: (408) 535-5061
 7 FAX: (408) 535-5066
 maia.perez@usdoj.gov

8 Attorneys for United States of America

United States Courts
 Southern District of Texas
 FILED

September 18, 2020

David J. Bradley, Clerk of Court

4:20mj1748

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ION VELCU,

17 Defendant.

) **CASE NO. CR 20-0340 EJD**

) **UNITED STATES' APPLICATION TO UNSEAL**
) **INDICTMENT, COMPLAINT, AND ARREST**
) **WARRANT AND [PROPOSED] ORDER**

18
 19 The United States, through undersigned counsel, respectfully moves this Court to unseal the
 20 Indictment, Complaint, and arrest warrant in the above-captioned matter. On information and belief, the
 21 defendant, Ion Velcu, has recently left the United States and the documents must be unsealed in order to
 22 effectuate his arrest abroad.

23 DATED: September 17, 2020

Respectfully submitted,

24 DAVID L. ANDERSON
 25 United States Attorney

26 /s/
 27 MAIA T. PEREZ
 28 Assistant United States Attorney

[PROPOSED] ORDER

On the motion of the United States, and good cause appearing therefor, the Court HEREBY
ORDERS that the Indictment, Complaint, and arrest warrant in the above-captioned matter be sealed.

IT IS SO ORDERED.

DATED: September 17, 2020


HONORABLE VIRGINIA K. DEMARCHI
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas

ENTERED

September 18, 2020

David J. Bradley, Clerk

UNITED STATES OF AMERICA

versus

Ion Velcu

§
§
§
§
§

Case No. 4:20-mj-01748

ORDER APPOINTING COUNSEL

Because the defendant has satisfied this court that he or she is financially eligible for court-appointed counsel, the court appoints the Federal Public Defender to represent the defendant.

Signed at Houston, Texas, on September 18, 2020.


Peter Bray
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS**

ENTERED
September 18, 2020
David J. Bradley, Clerk

UNITED STATES OF AMERICA

versus

Ion Velcu

§
§
§
§
§

Case No. 4:20-mj-01748

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the **California Northern District Court, San Francisco division, in 5:20CR340 (charging District's case number).**


The defendant may need an interpreter for this language: ROMANIAN.

The defendant requested court appointed counsel. Federal Public Defender appointed.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: September 18, 2020


Peter Bray
United States Magistrate Judge

Government moved for detention and Defendant detained pending a hearing in District of offense.

PS3

PRETRIAL REPORT

According to Judiciary Policy, several factors fall solely within the province of the judicial officer, and are not to be considered by the officer. These factors include: the weight of the evidence, the rebuttable presumption, and potential penalty.

| | |
|---|--|
| District/Office SOUTHERN DISTRICT OF TEXAS-Houston | Charge(s) (Title, Section, and Description) 18 U.S.C. § 1344(1) Bank Fraud |
| Judicial Officer United States Magistrate Judge Peter Bray | |
| Docket Number (Year-Sequence No.-Def. No.) Southern District of Texas 4:20-MJ-1748 Rule 5 - Northern District of California CR-20-71100-MAG | |

DEFENDANT

| | | | |
|---|---|------------------------------|----------------------------------|
| Name Velcu, Ion AKA Velcu, Belgian | Employer Unemployed | | |
| Address: 96 S. Sable Blvd. Apt Y108 Aurora, Colorado 80012 | Employer Address Not Applicable | | |
| Time at Address 9/18/2019 | Time in Community 5 years | Monthly Income \$0 | Time Unemployed 1 year |

The defendant is scheduled to appear before the Honorable U.S. Magistrate Judge Peter Bray for an initial appearance. On September 18, 2020, the defendant was interviewed via telephone conference due to COVID-19 concerns with a Romanian translator while he was at the U.S. Marshals and without the presence of a defense attorney.

DEFENDANT HISTORY

1. DEFENDANT HISTORY/RESIDENCE/FAMILY TIES:

The defendant (Romanian citizen), age 48, advised he was born in Maharini, Romania and resided there until 2000. He then, moved to Verona, Italy until 2007 where he then, moved back to Maharini, Romania. Mr. Velcu stated he migrated to the United States in 2015 and has now lived in the country for the past five years under a work permit. He explained living in Salinas, California for three years and has since moved to Aurora, Colorado. The defendant stated he has lived at his reported address for the past year with his son and three grandchildren. He explained the apartment is leased under his name. **Mr. Velcu advised he intends on returning to his two-bedroom, one bath apartment if released on bond and reported there are no weapons in his home.**

The defendant advised he is one of seven children born to his parents' union. He expressed his father deceased in 2018 and he continues to maintain weekly contact with his mother (Romanian citizen). Mr. Velcu stated he has

Velcu, Ion

four brothers and two sisters (Romanian citizens) and he maintains contact with them on a weekly to monthly basis. He expressed his mother and siblings all reside in Romania.

The defendant reported his marital status as common-law married to his wife, Meta Unguru (Romanian citizen), and their relationship has produced three children (Romanian citizens) ages 17, 24, and 28. He explained his wife continues to live in Romania while all his children reside in the United States. The defendant mentioned one of his youngest child lives with him while his older children are adults and supporting themselves (unknown whereabouts). Mr. Velcu mentioned he maintains contact with his children daily to weekly.

The defendant advised he completed up to the 8th grade in school while living in Romania and reported no other educational attainment.

The defendant stated he possess a valid Romanian Passport and has not traveled internationally since he migrated to the United States in 2015.

Attempts were made to contact the defendant's uncle, Minoasa, however, were unsuccessful. Therefore, the defendant's residential history, familial ties, marital status, education, and travel history remain unverified.

2. EMPLOYMENT HISTORY / FINANCIAL RESOURCES:

Employed/Unemployed History:

The defendant advised he has been unemployed for the past year and has been panhandling to help supplement his income. He reported he previously worked in Salinas, California as a laborer at a floral shop (unknown company name) full-time for five to six months and earned \$13.00 per hour. While living in Romania, he explained he work in agriculture as a field/farm full-time from 1994 through 2000 and earned approximately \$20.00 per day.

Attempts were made to contact the defendant's uncle, Minoasa, however, were unsuccessful. Therefore, the defendant's current unemployment and employment history remains unverified.

Finances:

The defendant provided the following asset and no liabilities:

| Assets | Amount | Liabilities | Amount |
|-----------------------------------|--------------|--------------|------------|
| Cash | \$700.00 | None | \$0 |
| | | | |
| Total | \$700 | Total | \$0 |
| Estimated Net Worth: \$700 | | | |

The defendant provided no monthly income and the following expenses:

| Monthly Income | Amount | Expenses | Amount |
|----------------|------------|------------------------|----------------|
| None | \$0 | Home/Rent | \$1,400.00 |
| | | Groceries and Supplies | \$0.00 |
| | | | |
| Total | \$0 | Total | \$1,400 |

Velcu, Ion

| |
|---|
| Estimated Monthly Cash Flow: (\$1,400) |
|---|

The defendant explained he financially supports himself by panhandling daily and receives financial support from his daughter if she's able to provide support.

Attempts were made to contact the defendant's uncle, Minoasa, however, were unsuccessful. Therefore, the defendant's finances remain unverified.

3. HEALTH:

Physical Health:

The defendant stated he was diagnosed with diabetes and liver problems in 2015. He stated he is prescribed a diabetic medication and a liver medication but could not recall the names of the medications.

Mental Health:

The defendant denied and there is no evidence to suggest the defendant has a current or past mental health condition. He denied any current or history of suicidal ideations.

Substance Abuse:

The defendant reported the following substance abuse:

| Drug Name | Frequency Used | Last Used |
|------------------|-------------------------------------|------------------|
| Alcohol | Rarely; 1 glass of wine per sitting | 4-5 days ago |

Attempts were made to contact the defendant's uncle, Minoasa, however, were unsuccessful. Therefore, the defendant's physical health, mental health, and substance use remain unverified.

4. PRIOR RECORD:

Local, State, Federal records revealed the following criminal history:

| <u>Date of Arrest</u> | <u>Agency</u> | <u>Charge</u> | <u>Disposition</u> |
|------------------------------|----------------------------------|---|---------------------------|
| 06/18/2015 (Age 38) | U.S. Customs & Border Patrol; AZ | Alien Inadmissibility Under Section 212 Misdemeanor | Unknown disposition |

5. ASSESSMENT OF NONAPPEARANCE:

The defendant poses a risk of nonappearance for the following reasons:

1. Offense Charged

Velcu, Ion

2. Lack of Familial, Residential, Community, Employment, Property, and Financial Ties (not limited to the district of arrest)
3. Aliases or False Identifications
4. Lack of Verifiable, Legitimate Employment
5. Ties to a Foreign Country (Romania)
6. No Legal Status to Remain in the United States

6. ASSESSMENT OF DANGER:

There are no known factors indicating the defendant poses a risk of danger to the community.

7. RECOMMENDATION

According to Judiciary Policy, several factors fall solely within the province of the judicial officer, and are not to be considered by the officer. These factors include: the weight of the evidence, the rebuttable presumption, and potential penalty.

The United States Probation Office respectfully recommends that the defendant be held in detention since there is no condition or combination of conditions that can reasonably assure the defendant's appearance before this Court and/or the safety of the community.

| | |
|---|------------------------------------|
| United States Probation Officer Lyndsey FERMIN <i>Lyndsey Fermin</i> | Date/Time 09/18/2020 at 1:34pm |
| Supervising United States Probation Officer Cynthia MCMURRAY-THOMPSON <i>Cynthia MCMurray-Thompson</i> | Date/Time 09/18/2020 at 1:40 pm |